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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,342	07/07/2003	David Scott Wishart	080586-2.00US	8720
20350	7590	03/28/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				WACHSMAN, HAL D
ART UNIT		PAPER NUMBER		
		2857		

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

03232006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attachment.

Hal D. Wachsman
Hal D Wachsman
Primary Examiner
Art Unit: 2857

Art Unit: 2857

1. The reply filed on 1-31-06 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a) The response filed 1-31-06 is improper under 37 C.F.R. 1.121 for the following reasons:

1) Amended claim 75 in the reply filed 1-31-06 is improper under 37 C.F.R. 1.121 because it does not contain all the markings to show all changes relative to the immediate prior version in which the immediate prior version of claim 75 was in the amendment dated 10-4-05. The following text which was in the last 3 lines of the immediate prior version of claim 75 was deleted from the claim 75 in the reply filed 1-31-06 without the appropriate markings to show the deletion:

"...wherein the signal directs the processor to interpolate said position value from position values associated with base reference spectra associated with a pH condition nearest to said measured pH condition".

Appropriate correction is required.

2) Amended claim 76 in the reply filed 1-31-06 is also improper under 37 C.F.R. 1.121 because it does not contain all the markings to show all changes relative to the immediate prior version in which the immediate prior version of claim 76 was in the amendment dated 10-4-05. The following text which was in the last 3 lines of the immediate prior version of claim 76 was deleted from the claim 76 in the reply filed 1-31-06 without the appropriate markings to show the deletion:

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"...wherein the apparatus is further adapted to interpolate said position value from position values associated with base reference spectra associated with a pH condition nearest to said measured pH condition".

Appropriate correction is required.

b) The reply filed 1-31-06 was also not in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213, because the prior *Ex parte Quayle* office action closed prosecution on the merits, however as shown above *changes to the scope of claims 75 and 76 were made after prosecution on the merits were closed*. Appropriate correction is required.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hal D Wachman
Hal D Wachman
Primary Examiner
Art Unit 2857

HW
March 23, 2006